

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MALDONADO,	:	
Plaintiff,	:	ORDER
-against-	:	18cv11077 (KMK)(LMS)
TOWN OF GREENBURGH, et al.,	:	
Defendants.	:	

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The Defendant Town of Greenburgh has submitted to the Court for *in camera* review certain personnel records relating to Officers Jean-Paul Lara, Sean Freeman, Richard Maguire, and Gregory Attaliente, including material concerning discipline, training and evaluations. Certain documents from those records are to be produced as detailed herein.

In assessing the need for a plaintiff to obtain records from a local government employee's personnel file, this Court is obligated to balance the plaintiff's need for disclosure against the legitimate interest of a defendant in protecting the confidentiality of the employee's personnel file. The review of the submitted records has been completed with this obligation in mind, and I am satisfied that the documents identified below are both relevant and material for purposes of discovery. I conclude that provision of the following categories of documents is both appropriate and necessary for purposes of discovery in this case, and is not unduly intrusive upon any defendant's privacy. The categories of documents are: (1) documents evidencing use of excessive force in dealing with arrestees and other civilians; (2) relevant commendations and awards; (3) relevant training documents; (4) personnel evaluation forms for the period November 2015 through November 2017; and (5) documents relating to plaintiff Maldonado.

<u>From the personnel folder for Jean-Paul Lara</u>	<u>Date of document</u>	<u>Page #</u>
Certificate of completion	12/5-8/2006	1
Letter of reprimand	10/29/2010	2
Letter of reprimand	3/23/2007	2
Certificate of completion	8/18-12/17/2003	1
Letter of appreciation and acknowledgment	11/21/2013	2
Letter of appreciation and acknowledgment	9/9/2011	2
Performance Evaluation	2/20-4/03/2018 (signatures)	4
Performance Evaluation	7/5-12/2016	4

From the personnel folder for Sean Freeman

Award	5/19/2014	1
Certificate of completion	1/7-10/11/2013	1
Performance Evaluation	3/23-4/20/2018	4
Performance Evaluation	6/16-7/2/2016	4

From the personnel folder for Richard Maguire

Certificate of completion	1/8-9/15/2007	1
Letter of appreciation and acknowledgment	9/9/2011	2
Performance Evaluation	7/11-12/2016	4
Performance Evaluation	3/12/-4/8/2017	4
Performance Evaluation	3/22-4/20/2018	4

From the personnel folder for Gregory Attalienti

Supervisor's report and attachments (redact name and address of the person taken into custody and hospitalized)	10/30/2009	5
Letter of reprimand	3/8/2016	2

Counsel for defendant is hereby directed to make legible copies of the identified documents and produce them to all other counsel within 14 calendar days of the date of this Order. Production may be accomplished through electronic delivery; if originals are needed in future, any counsel may make a request. To assist counsel in this process a yellow post-it note has been placed on each identified document. In addition to the identified documents there is a cover certification page for each officer, which is marked with a post-it, and the original of

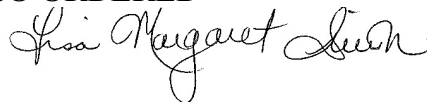
which must be made available to Plaintiff's counsel before any use at a hearing or trial. A copy may be provided to all other counsel.

Any document which contains any date of birth, home or cellular telephone number, home address, or social security number, for any person, must have such information redacted, unless such documents are produced pursuant to a confidentiality order. Counsel for all parties are reminded of the provisions of Fed. R. Civ. P. 5.2(a) in the event that any documents are filed in this matter. Counsel for defendant is also reminded that no documents may be used as evidence at trial if they have not been produced to plaintiff's counsel.

The Clerk is directed to return these records by mail to defendants' counsel along with a copy of this Order. The mailing will occur on March 20; if defendants' counsel wishes to have the material delivered to an alternate address, or by overnight delivery service, counsel must contact the Chambers of the undersigned no later than noon on March 20; for an expedited delivery service counsel must provide its billing information.

Dated: March 19, 2020  
White Plains, New York

**SO ORDERED**



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Lisa Margaret Smith  
United States Magistrate Judge  
Southern District of New York